

REMARKS

In the Office Action dated March 22, 2011, the Examiner rejects claims 7, 14 and 25 under 37 U.S.C. § 1.75(c); rejects claims 11 and 29 under 35 U.S.C. § 112, first paragraph; rejects claims 1-2, 4-7, 9-16 and 27-28 under 35 U.S.C. § 112, second paragraph; and rejects claims 17-18 and 21-22 under 35 U.S.C. §103(a). With this Amendment, Applicant has amended claims 1, 7, 9, 16, 17, 25 and 27.

Claim 14 is cancelled by this action. After entry of this Amendment, claims 1, 2, 4-7, 9-13, 15-18, 21-23, 25-29 and 33 remain pending in the Application. Reconsideration of the Application as amended is respectfully requested.

Allowable subject matter

The Examiner indicates that claims 23, 25 -26, 29 and 33 are allowed. Claims 1-2, 4-7, 9-13, 15, 16 and 27-28 are considered allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, second paragraph set forth in the present Office Action.

Drawing objections

The drawings are objected to under 37 CFR 1.83 (a). The Examiner indicates that the "sensor" set forth in claims 11 and 29 must be shown or the features must be canceled from the claim.

Claim objections

Claims 7 and 14 are objected to under 37 CFR 1.75 (c) as being of improper dependent form for failing to further limit the subject matter of the previous claim. Cancellation or amendment of the claims has been requested. With regard to claims seven, the Examiner indicates that the recitation "said reinforcement member disposed on said first wall" in lines 3 – 4 does not further limit the recitation "a tab projecting outward from the first opposed wall" found in claim 1, line 10. With regard to claim 14, the Examiner contends that the recitation "said reinforcing member is disposed with in the interior of said temperature control conduit" does not

further limit the recitation quote a relatively rigid elongated reinforcement member positioned... and projecting inwardly into the temperature control conduit" found in claim 1, lines 8 – 10.

Claims 7 and 14 have been amended by this action.

Claim 25 is objected to because of informalities. Claim 25 has been amended by this action.

Rejections under 35 U.S.C. §112

Claims 11 and 29 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner indicates that the specification lacks an adequate written description of the invention in that there is no basis for "a sensor... for detecting the *pressure* of said temperature control fluid". The specification has been amended at page 5 line 30 to specify that probes it can be used to detect changes in capacitance, resistance, pressure etc. Support for this amendment is found in claims 11 and 29 as originally filed. It is submitted that claims 11 and 29 comport with the provisions of 35 U.S.C. § 112. Claims 11 and 29 contain the recitation that the sensor within the cover detect the pressure of the temperature control fluid *outside* the temperature control conduit. It is submitted that this modality detect leaks.

Claims 1-2, 4-7, 9-16 and 27-28 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 1, 9, 16, and 27 have been amended paying careful attention to the comments and observations of the Examiner. It is submitted that claims 1-2, 4-7, 9-16 and 27-28 now comport with the provisions of 35 U.S.C. § 112.

Rejections under 35 U.S.C. §103

Claims 17-18 and 21-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Collito (U.S. Pat. 2,650,801) in view of Knoll (U.S. Pat. 5,058,266). The Examiner indicates that the Collito reference discloses a conduit assembly comprising two conduit members 12 in which one wall member has a convex outer surface, and a post wall

member has a concave outer surface 16 and intermediate sidewall members are interposed therebetween. The Examiner indicates that the Collito reference does not disclose a polymeric material and a rib/tab. The Knoll reference is cited for disclosing an elongated conduit 1 comprising a flexible fluid-tight wall having an internal channel with a non-circular cross-section and at least two opposed wall members with an axially and radially inwardly extending rib/tab 2 for the purpose of maintaining structural integrity and promoting turbulence for heat transfer. The Examiner contends that it would have been obvious at the time the invention was made to employ a rib/tab in Collito for the purpose of maintaining structural integrity and promoting turbulence for heat transfer as recognized by Knoll. The choice of polymeric material is considered an obvious design choice requiring only routine skill in the art.

The Applicant's invention as set forth in claim 17 is directed to an elongated conduit assembly for transmission of temperature control fluids. The elongated conduit assembly is positionable in overlying relationship to an exterior surface of a fluid conveying conduit. The elongated conduit assembly includes at least two polymeric conduit members. Each polymeric conduit member has an elongated flexible fluid-tight polymeric wall composed of at least two opposed wall members in which one wall member has a convex outer surface and an opposed wall member as a concave outer surface. The flexible polymeric wall also has intermediate sidewall members interposed between the concave wall member and the convex wall member. The opposed wall members and the intermediate sidewall members define an internal channel having a non-circular cross-section. Each polymeric conduit further includes a rib. The rib extends axially and radially inward from and associated wall member. The rib is more rigid than the wall. Each of the polymeric conduit members has an uninflated configuration and an inflated configuration with the inflated configuration coinciding with the introduction of temperature control fluid therein. When in the use position, the polymeric conduit members are in contiguous contact with one another at respective intermediate side wall members. The polymeric conduit members collectively define a central channel and maintain a central fluid conveying conduit in position in the defined central channel.

It is submitted that the cited references taken together or independently fail to

teach or suggest an elongated conduit assembly that is positionable in overlying relationship to an exterior surface of a fluid conveying conduit composed of at least two polymeric conduit members that are configured to be in contiguous contact with one another at respective intermediate sidewall members so as to collectively define a central channel and maintain a central fluid conveying conduit in position in the defined channel. It is submitted that the coupling members discussed in the Collito reference render such contact impossible. The Knoll reference lacks any teaching or suggestion of a central conduit at all.

It is further submitted that the cited references taken alone or in combination fail to teach or suggest a polymeric conduit in which the rib is more rigid than the wall and in which the polymeric conduit members have an inflated configuration as well as an inflated configuration in which the inflated configuration coincides with the introduction of a temperature control fluid.

For these reasons, it is submitted that the Applicant's invention as set forth in claim 17 is not taught, anticipated or rendered obvious by the cited references.

Claims 18, 21 and 22 depend from independent claim 17 to contain all of the limitations found therein. It is submitted that the Applicant's invention as set forth in claims 18, 21 and 22 is not taught, anticipated or rendered obvious by the cited references for the reasons discussed previously in conjunction with claim 17. Furthermore it is submitted that the cited references fail to teach or suggest the planar reinforcement tab as recited in claim 18. The references also fail to teach or suggest a pair of generally opposing walls which are in contact with one another in the manner recited. For these reasons, it is submitted that the Applicant's invention as set forth in claims 18, 21 and 22 is not taught, anticipated or rendered obvious.

Conclusion

It is submitted that this Amendment has antecedent basis in the Application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the Application as amended is requested. It is respectfully submitted that this Amendment places the Application in

suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of the present Application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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